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**JUL 18 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Miyamoto et al. :  
Application No. 10/052,365 :  
Filed: January 23, 2002 : DECISION ON PETITION  
Attorney Docket No. 723-1250 :

This is a decision on the Petition to Withdraw Notice of Omitted Items, filed on April 18, 2002, requesting the application be accorded a filing date of January 23, 2002, including Figures 27I and 27J as part of the original disclosure.

The application was filed on January 23, 2002. However, on April 2, 2002, the Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice"), requiring Figures 27I and 27J described in the specification.

Petitioner argues, *inter alia*, that Figures 27I and 27J described in the specification were included among 57 pages of drawings filed initially, on January 23, 2002, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of 57 pages of drawings filed on January 23, 2002.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 57 pages of drawings, by this Office on January 23, 2002. Petitioner has also re-submitted Figures 27I and 27J, described in the specification, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The petition is granted. The Notice is hereby withdrawn.

The copy of Figures 27I and 27J, described in the specification, supplied on April 18, 2002, will be used for examination purposes.

No petition fee is required. A refund of the petition fee, \$130.00, has been scheduled.

The application will be returned to the Initial Patent Examination Division for further processing as a nonprovisional application with a filing date of January 23, 2002, using figures 1-27H and 28A - 34B submitted on January 23, 2002, and figures 27I - 27J submitted on April 18, 2002. The Office record should reflect 44 sheets of drawings were present on filing.

Thereafter, the application will be returned to Technology Center AU 3713 for processing in due course.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Conferee: Christina Donnell, Esq.